

SM

Rontrell Turnipseed
USM #52615-424
Metropolitan Correctional Center
71 W. Van Buren St.
Chicago, IL 60605

FILED

DEC 29 2020 *W*

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

December 20, 2020

Hon. Thomas M. Durkin
United States District Court
219 S. Dearborn St.
Chicago, IL 60604

Re: United States v. Turnipseed, 17 CR 00611-6

Dear Judge Durkin:

Please accept this letter in supplement to my motion for release from detention. The following discussion of my juvenile adjudications is meant to show that I can abide by all the conditions of release and to correct my presentence report as to these juvenile adjudications.

(1). March 9, 2006, Reckless Conduct, Docket No. 06JD 1537.

The proceeding(s) were closed with the Court finding me to be a delinquent child and ward of the court. Charges of possession of a stolen vehicle and reckless conduct were dismissed. I was found to be not criminally liable and found to be a ward of the court as having the thought processes of a child, being an impressionable youth. This was how the charge was adjudicated.

(2). June 28, 2006, Delivery of a Controlled Substance, Docket No. 06 JD 3529.

I was found to be a delinquent child and a ward of the court. Charges of delivery of a controlled substance were dismissed. I was found not to be criminally liable as I was found to be a ward of the court and having a child's thought process, being an impressionable youth and the charge was dismissed.

(3). April 30, 2007, Possession of a Controlled Substance, Docket No. 07JD2239.

The proceedings were closed on July 17, 2008. I was found to be a delinquent child and adjudicated a ward of the court. As such, the charge was dismissed and I was found to have a child's thought process, being an impressionable youth.

Turnipseed letter to
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(4). January 6, 2009, Possession of Cannabis, Docket No. 09JD51.

This was a misdemeanor offense. I was found to be a delinquent child and not criminally liable as a ward of the Court, having a child's thought process and being an impressionable youth.

The Court should take into account that marijuana possession is no longer enforced in the same way as it was when I was arrested in the above cases. The Illinois legislature has legalized recreational marijuana and made defendants, such as me, eligible for an automatic expungement of prior cannabis-related criminal records. The new law went into effect on January 1, 2020 and to date over 700,000 convictions have been expunged statewide. These convictions include violation of Section 4 (possession) and Section 5 (manufacture, delivery, or possession with intent to deliver, or manufacture) of the Cannabis Control Act, concerning not more than 30 grams of any substance containing cannabis.

I have a misdemeanor conviction for possession of cannabis. In my Presentence Investigation Report, the Probation Officer added two points to my Criminal History for the very same conduct that would not create any criminal history points had it happened today instead of 2009 and earlier (when I was also a juvenile).

These two criminal history points also creates an unwarranted sentencing disparity that is prohibited by the sentencing statute. Please see 18 U.S.C. §3553(a)(6), directing the court to consider the need to avoid "unwarranted sentencing disparities."

Lastly, Amendment 475, Chapter One, Part B was amended by inserting an additional policy statement as §1B1.12, "[T]he guidelines are not applicable to a person sentenced as a juvenile delinquent under the provisions of 18 U.S.C. §5037." This was added to determine the maximum imposable sentence in the case of a juvenile delinquent. While meant for federal juvenile cases, it should, nonetheless, apply to my sentencing. Otherwise, it would seem to be an Equal Protection violation.

Thank you for reviewing this letter and I hope to hear from the Court soon.

Respectfully submitted,



Rontrell Turnipseed



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